

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
ADONNA FROMETA,

Plaintiff,

-against-

MARIO E. DIAZ-DIAZ, ALL AMERICAN HAULERS
RECYCLING,

Defendants.
----- X

: Civil Action No.: 07-CV-6372

:
:
:
: **RESPONSE TO PLAINTIFF'S**
: **DEMAND FOR**
: **INTERROGATORIES**

S I R S:

Defendants MARIO E. DIAZ-DIAZ, ALL AMERICAN HAULERS RECYCLING.,
hereby provides the following response to plaintiff's demand dated September 18, 2007, upon
information and belief:

1. n/a.

2. n/a.

3. n/a.

4. n/a

5. n/a

6. The acts and/or omissions constituting the negligence on the part of the plaintiff include her failure to wear seatbelt, failure to be aware of any alleged dangerous or hazardous conditions with respect to the roadway; assumption of all dangers and risks incident and inherent to the situation, or that should have been apparent or observed by a reasonably prudent person under the circumstances as they existed at the time; failing and neglecting to take the necessary precautions to avoid and guard against the happening of the accident; acting carelessly and recklessly without regard to her own physical safety; failing to take heed of the open and obvious roadway conditions of which she was aware or should have been aware; failing to conduct herself as a reasonable person under the same circumstances; approaching and encountering a situation known by her to be, or what should have been known to be, a danger resulting in the incident alleged; failing to avoid placing herself in a position of danger; and otherwise driving in a careless and reckless manner; failing to properly signal before changing lanes, failing to properly change lanes; failure to travel at a reasonable speed given the weather conditions; failing to adhere to the rules of the road; failing to bring her vehicle to a stop at a reasonable

speed; stopping her vehicle in a manner that was reasonable given the weather conditions; and in failing to properly control her vehicle in a reasonably prudent matter given the weather conditions and visibility conditions.

7. Upon information and belief, the accident occurred on February 14, 2007 between 4:00 am and 5 am.

8. It will be claimed that plaintiff's negligence contributed entirely and solely to the accident and resulting injuries.

9. Upon information and belief, plaintiff's negligence was committed solely by plaintiff.

10. See number 6. It will be alleged that plaintiff's negligent acts and/or omissions caused, initiated, continued and contributed to plaintiff injuries entirely.

11. At this time defendants are unaware of any other persons or vehicles involved in this accident, however defendant reserves the right to supplement this response after the completion of depositions.

12. See number 8.

13. Defendants are unaware of any witnesses known besides those parties involved in the motor vehicle accident.

14. Defendants are not in possession of any statements made by plaintiff resulting from the February 14, 2007 accident.

15. Defendants are unaware of any accident report prepared in the usual course of business by defendant with respect to the subject incident.

16. Defendants were insured through Carolina Casualty Insurance Company under policy number CTP 343830 in the amount of \$1,000,000. A copy of the policy will follow under separate cover.

17. See number 16.

18. Defendants are unaware of any excess insurance policies covering the subject date of loss.

19. Not applicable as the subject accident occurred February 14, 2007.

20. Objection improper request for interrogatories.

21. At this time defendant has not retained any experts. We reserve the right to supplement this response

22. Upon information and belief there was minor damage to the front of defendant's vehicle, however defendants are unaware of any repairs or estimates being generated as a result of this accident.

1. None known to exist at this time.

2. None known to exist at this time.

3. None known to exist at this time.

4. None known to exist at this time.

5. None known to exist at this time.

6. None known to exist besides those protected by Attorney Client Privilege.

7. See number 6.

8. None known to exist outside of the Attorney Client Privilege.

9. At this time defendant has not retained any experts. We reserve the right to supplement this response.

10. Defendants will provide a copy of the primary insurance police under separate cover.

11. See number 10.

12. None known to exist.

13. Not applicable as the subject accident occurred on February 14, 2007.

14. Enclosed as Exhibit "A" is a copy of the property damage estimate and corresponding documents relating to the property damage claim plaintiff submitted to Government Employees Insurance Company.

15. Defendants are unable to locate any maintenance or repair records for the subject vehicle, as the company All American Haulers is no longer in business.

16. None known to exist.

17. See number 16.

18. None known to exist.

19. See number 18.

20. See number 18.

21. Enclosed as Exhibit "B".

22. None known to exist.

This is a continuing response of disclosure. If and when further information is obtained by this defendant, defendant reserves the right to supplement this response.

Dated: New York, New York
November 1, 2007

Yours, etc.

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By: 

John A. Hsu (JH-6425)
Attorneys for Defendants
150 East 42nd Street
New York, New York 10017-5639
(212) 490-3000
File No01502.00009

TO:

Slawek W. Platta, PLLC
Attorneys for Plaintiff
42 Broadway, Suite 1927
New York, New York 10004

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- Government Employees Insurance Company
- GEICO General Insurance Company
- GEICO Indemnity Company
- GEICO Casualty Company



Regional Office:
750 Woodbury Road ■ Woodbury, NY 11797-2589
Tel: 1-800-645-7550 x 5881
Fax: 516-213-6418

TO: John Shue

FROM: Jamie Fritz

FAX # 212-490-3038

DATE: 10/8

YOUR CLAIM # _____

GEICO CLAIM # _____

TOTAL # OF PAGES TO FOLLOW (INCLUDING COVER SHEET) 18
26

COMMENTS: Please see attached

Jamie

CLAIM PAYMENT SCREEN

REVERSE

<u>CLAIM #</u>	<u>LOC</u>	<u>ADJR</u>	<u>TIME</u>	<u>FC</u>	<u>IRS FIELD</u>	<u>ISSUED</u>
0293057720101027	02 14 07	AAW7	19515069	04	11-2788585	03 07 07

<u>CHECK #</u>	<u>TYP</u>	<u>ID</u>	<u>CO</u>	<u>CHECK AMT</u>	<u>FEAT</u>	<u>C_S</u>	<u>AMT</u>	<u>EXP</u>	<u>FEAT</u>	<u>C_S</u>	<u>AMT</u>	<u>E</u>
080601200	A	LP	06	695.07	01COL	Y	695.07					

CLAIMANT
ADONNA FROMETA

USER ID
U77G09

INSURED
ADONNA FROMETA

AG ONP TYPE
N

IN PAYMENT OF
COLLISION COVERAGE
SUPPLEMENT-DTP ATTACHED
CB61

PAY TO ADONNA FROMETA
& METRO AUTO BODY INC

ENCLOSURE
P=POLICE REP F=FORM LETTER
C=CORRESPOND L=PROOF/LOSS
M=MISC. I=INVOICES
R=RELEASES D=DEMAND PRNT
VECTERING TRAN: CLIQ
KEY: 0293057720101027 01COI

MAIL TO METRO AUTO BODY
96-14 NORTHERN BLVD
CORONA NY 11368

CLAIM PAYMENT SCREEN

REVERSE

<u>CLAIM #</u>	<u>LC</u>	<u>ADJR</u>	<u>TIME</u>	<u>FCC</u>	<u>IRS_FIELD</u>	<u>ISSUED</u>
0293057720101027	02 14 07	AAW7	18090879	04	11-2788585	02 22 07

<u>CHECK #</u>	<u>TYP</u>	<u>ID</u>	<u>CO</u>	<u>CHECK_AMT</u>	<u>FEAT</u>	<u>C_S</u>	<u>AMT</u>	<u>EXP</u>	<u>FEAT</u>	<u>C_S</u>	<u>AMT</u>	<u>E2</u>
080448426	A	LP	06	7176.96	01COL	Y	7176.96					

CLAIMANT
ADONNA FROMETA

USER ID
U77G09

INSURED
ADONNA FROMETA

AG ONP TYPE
N

IN PAYMENT OF
COLLISION COVERAGE
CB61

PAY_TO ADONNA FROMETA
& METRO AUTO BODY INC

MAIL_TO ADONNA FROMETA
666 E 233RD ST
BRONX, NY 10466-2837

ENCLOSURE
P=POLICE REP F=FORM LETTER
C=CORRESPOND L=PROOF/LOSS
M=MISC. I=INVOICES
R=RELEASES D=DEMAND PRNT
VECTERING TRAN: CLIQ
KEY: 0293057720101027 01COL

CLAIM PAYMENT SCREEN

REVERSE

CLAIM # 0293057720101027 LC 02 14 07 ADJR AAW7 TIME 21012170 FCC 04 IRS FIELD 430724835 ISSUED 03 12 07

CHECK # TYP ID CO CHECK AMT FEAT C S AMT EXP FEAT C S AMT EX
 E00068706 E LP 06 660.00 01REN Y 660.00

CLAIMANT
 ADONNA FROMETA

USER ID
 SYSTEM

INSURED ADONNA FROMETA AG ONP TYPE

IN PAYMENT OF
 RENTAL REIMBURSEMENT COVG.
 2485D929411

PAY TO ENTERPRISE RENT A CAR

MAIL TO ENTERPRISE RENT A CAR
 600 CORPORATE PARK DRIVE
 ST. LOUIS, MO 63105

ENCLOSURE
 P=POLICE REP F=FORM LETTER
 C=CORRESPOND L=PROOF/LOSS
 M=MISC I=INVOICES
 R=RELEASES D=DEMAND PRNT
 VECTORING TRAN: CLIQ
 KEY: 0293057720101027.01REN

ARMS® - Automated Rental Management System (Patent Pending)

Page 1 of 1



Rental Company: ENTERPRISE RENT-A-CAR
 Invoice: D929411-2485

Bill To:
 GEICO
 ATTN. MILEWSKI-RICK CB61
 750 WOODBURY RD.
 WOODBURY, NY 11797

Billing Detail:

Rental Period: 2/15/07 to 3/8/07 (22 days)
 Billed Period: 2/15/07 to 3/8/07 (22 days)

RENTER INFORMATION
 Renter: FROMETA, ADONNA

Description	Rate:	Amount:
22 DAYS @	\$30.00	\$660.00
1 SALES TAX%	%13.37	\$88.28
TOTAL CHARGES:		\$748.28
Less Amount Received:		\$88.28
AMOUNT DUE.....		\$660.00

RENTAL INFORMATION:
 Rental Branch Location:
 ENTERPRISE RENT-A-CAR (2485)
 108-14 ASTORIA BLVD
 EAST ELMHURST, NY 113692032
 (718) 672-7631

ADDITIONAL CLAIM INFORMATION:
 Claim Number 029305772-0101-027-01
 Claim Type: Insured
 Vehicle Condition: Non-Driveable
 Date Of Loss: 2/14/07
 Insured Name: ADONNA FROMETA
 Owner's Vehicle: 2001 TOYOTA 4RUNNERS

Additional Driver.

Repair Facility:
 METRO AUTO BODY-85
 CORONA, NY 11368
 (718) 639-9077

VEHICLES RENTED

Effective Date and Time	Year	Make	Model	VIN	Rate Charged
2/15/07	2006	HYUN	SONA		\$30.00

Rental Invoice

Please Return This Portion with Remittance

Make Payment To:
 ENTERPRISE RENT-A-CAR (2499)
 1550 ROUTE 23 NORTH
 WAYNE, NJ 07470
 Federal ID-43-1487854

Total Charges: \$748.28
 Less Amount Received: \$88.28
 Total Amount Due..... \$660.00

Please include on your check.
 Invoice: D929411-2485

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GEICO
FLUSHING
VISIT US AT GEICO.COM
60-05 KISSENA BLVD

FLUSHING, NY 11355
(917) 418-8127

SUPPLEMENT OF RECORD 1 WITH SUMMARY

WRITTEN BY: RICHARD MILEWSKI #IA837820 03/06/2007 07:21 PM
ADJUSTER: AAW7 EXT: 4038 FCC: (917) 418-8127

INSURED: ADONNA FROMETA
OWNER: ADONNA FROMETA
ADDRESS: 666 E 233RD ST
APT 1A
BRONX, NY 10466-2837
EVENING: (718) 881-3716
BUSINESS: (347) 733-0855

CLAIM #0293057720101027-01
POLICY #4055614905
DATE OF LOSS: 02/14/2007 AT 12:00 AM

TYPE OF LOSS: COLLISION
POINT OF IMPACT: 6. REAR

INSPECT
LOCATION:

REPAIR_SHOP

REPAIR METRO AUTO BODY CB61
FACILITY: 96-14 NORTHERN BLVD
CORONA, NY

BUSINESS: (718) 639-9077
17 DAYS TO REPAIR
LICENSE # R#7034324

2001 TOYO 4RUNNER 4X4 SR5 6-3.4L-FI 4D UTV DARK GREEN INT:
VIN: JT3HN86R510354949 LIC: DMF4956 NY PROD DATE: ODOMETER: 109486
AIR CONDITIONING REAR DEFOGGER TILT WHEEL
CRUISE CONTROL INTERMITTENT WIPERS ELEC. INSTRUMENTATION
KEYLESS ENTRY REAR WIPER BODY SIDE MOLDINGS
DUAL MIRRORS PRIVACY GLASS ROOF CONSOLE
LUGGAGE/ROOF RACK ELECTRIC GLASS SUNROOF FOG LAMPS
CLEAR COAT PAINT POWER STEERING POWER BRAKES
POWER WINDOWS POWER LOCKS POWER MIRRORS
AM RADIO FM RADIO STEREO
CASSETTE SEARCH/SEEK CD PLAYER
ANTI-LOCK BRAKES (4) DRIVER AIR BAG PASSENGER AIR BAG
TRACTION CONTROL CLOTH SEATS BUCKET SEATS
RECLINE/LOUNGE SEATS RUNNING BOARDS/SIDE STEPS TRAILERING PACKAGE
AUTOMATIC TRANSMISSION 4 WHEEL DRIVE OVERDRIVE
ALUMINUM/ALLOY WHEELS

NO.	OP.	DESCRIPTION	QTY	EXT.	PRICE	LABOR	PAINT
1#	SUBL	*NO SUPPLEMENT WILL BE HONORED UNLESS AUTHORIZED BY GEICO*	1				
2		REAR BUMPER					
3		O/H REAR BUMPER				1.3	

4** REPL RECOND FACE BAR SR5 W/SPORT PK 1 140.00 INCL. 1.2

1

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SUPPLEMENT OF RECORD 1 WITH SUMMARY
2001 TOYO 4RUNNER 4K4 SR5 6-3.4L-FI 4D UTV DARK GREEN INT:

NO.	OP.	DESCRIPTION	QTY	EXT.	PRICE	LABOR	PAINT
5		ADD FOR CLEAR COAT					0.5
6	REPL	LT FACE BAR MOUNT BRACKET	1		15.86	INCL.	
7	REPL	LT FACE BAR SEAL	1		8.95	INCL.	
8	REPL	LT MOUNT ARM	1		95.60	INCL.	
9**	REPL	QUAL REPL PARTS UPPER PLATE	1		106.15	INCL.	
10**	REPL	QUAL REPL PARTS LT EXTENSION W/SPORT	* 1		53.00	INCL.	0.5
11**	REPL	QUAL REPL PARTS LT EXTENSION STAY	1		18.46	INCL.	
12*	REPL	LT REINFORCEMENT	* 1		22.55		
		PROTECTOR-NOT CAPA	*				
13*	REPL	REINFORCEMENT-NOT CAPA	* 1		77.78		
N 14#	R&I	RR HITCH				1.0	
15		REAR LAMPS					
16**	REPL	QUAL REPL PARTS LT TAIL LAMP ASSY	* 1		100.00	0.3	
17*	R&I	RT TAIL LAMP ASSY	*			0.3	
18		LIFT GATE					
19*	REFN	FINISH PANEL-LKQ DIFFERENT COLOR	*				0.5*
N 20*	REPL	QUAL RECY PARTS LIFT GATE +25%	1		1000.00*	1.0	3.3
21		OVERLAP MAJOR ADJ. PANEL					-0.4
22		ADD FOR CLEAR COAT					0.6
23	R&I	FINISH PANEL				0.4	
24	REPL	NAMEPLATE "TOYOTA" CHROME	1		9.15	0.2	
25*	R&I	GLASS TOYOTA	*			1.0	
26*	R&I	NAMEPLATE "4 RUNNER"-INCL'S REGLUE[OTHERS DAMAGED]	*			0.3*	
27	REPL	NAMEPLATE "SR5"	1		20.03	0.2	
28	REPL	NAMEPLATE "4WD"	1		20.03	0.2	
29#	RPR	PREP LKQ-ADJ. TO BRETT				1.0	
30	REPL	GATE W'STRIP	1		48.10	0.5	
31		QUARTER PANEL					
N 32*	REPL	QUAL RECY PARTS LT QUARTER PANEL-SEE NOTE +25%	* 1		750.00*	20.5	3.3
33		OVERLAP MAJOR ADJ. PANEL					-0.4
34		ADD FOR CLEAR COAT					0.6
35		DEDUCT FOR REAR BUMPER R&I				-0.8	
36#	REPL	ADD FOR RR BODY SECTION	1			4.0	1.0
37*	REPL	LT WHEEL OPNG MLDG-NOT WITH LKQ	* 1		96.83	0.3	

38* REPL LT QTR TRIM ASSY -NOT WITH LKQ* 1 271.42 0.5
 39* REFN FUEL DOOR-ADJ TO BRETT* 0.3
 40 ADD FOR CLEAR COAT 0.1
 41* BLND RT QUARTER PANEL-ADJ TO BRETT* 1.3
 42* REPL PRESSURE VENT SR5 & LIMITED-NOT WITH LKQ* 1 27.38
 43 REAR BODY & FLOOR

2

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SUPPLEMENT OF RECORD 1 WITH SUMMARY.
 2001 TOYO 4RUNNER 4X4 SR5 6-3.4L-FI 4D UTV DARK GREEN INT:

NO.	OP.	DESCRIPTION	QTY	EXT.	PRICE	LABOR	PAINT
44*	REPL	SILL PLATE OAK-NOT WITH LKQ	* 1	82	22	0.2	
45#	RPR	PREP LKQ-CUT SPLICE-ADJ TO BRETT				2.5	
N 46#	RPR	UNIBODY/INC SET & MEASURE-SEE NOTE				7.5	1.0
47#	R&I	OTHER INTERIOR TRIM-ACCESS				1.5	
48#	R&I	UNDER SPARE ASSY				0.5	
49#	R&I	RUNNING BOARDS				1.0	
50#	RPR	CLAMP SITES-ADJ TO BRETT				1.0	1.0
51		REAR SUSPENSION					
52	REPL	LT LOWER CNTRL ARM	1	144.38		M 0.8	
53*	RPR	AXLE HOUSING 4WD 16" WHEEL-ALIGN/CHECK[OPEN]	*			M 2.0*	
54	REPL	CHECK REAR ALIGNMENT	1			M 0.5	
N 55	S01	REPL LT AXLE SHAFT 3.4 LITER W/16" WHEEL	1	370.25		M 1.7	
56	S01	REPL LT BEARING	1	60.88			
57	S01	REPL LT UPPER CNTRL ARM 4WD	1	100.23		M 0.8	
58		REAR DOOR					
59*	RPR	LT DOOR SHELL-INCL'S FRAMING	*			4.0*	2.0
60		OVERLAP MAJOR ADJ. PANEL					-0.4
61		ADD FOR CLEAR COAT					0.3
62#	REFN	ADD FOR FRAMING					0.5
63*	REPL	LT RETAINER	* 1	29.87			
64*	REPL	LT PROTECTOR	* 1	6.57			
65	R&I	LT BELT W' STRIP				0.3	
66*	REPL	LT REAR MOLDING	* 1	141.67			
67*	R&I	LT HANDLE, OUTSIDE SR5	*			0.4	
68	R&I	LT R&I TRIM PANEL				0.4	
69#	SUBL	FLEX-FOR PLASTICS& MLDG	1	10.00		T	
70#	SUBL	SEAM SEALER	1	15.00		T	
71#	REPL	CAR CVR	1				
N 72#	RPR	COLOR TINT SAND& BUFF				1.0	0.2
73#	SUBL	GLASS KIT	1	12.50			
74#	SUBL	CORROSION PROTECTION	1	10.00			

RECEIVED TIME OCT. 8. 12:30PM

75#	REPL ABOVE	1		0.2
76#	SUBL UNDERCOAT	1	10.00	
77#	REPL ABOVE	1		0.3
78#	RPR D/E ELECTRONICS			0.2
79#	SUBL HARDWARE-CLIPS ETC	1	15.00	
80	OTHER CHARGES			
81#	E.P.C.	1	3.20	
82#	TOWING	1	80.00	

 SUBTOTALS ==> 3973.06 59.0 17.0

LINE 14 : ANY/ALL R/I TIMES ARE ADJ'S TO BRETT-ACCESS/PAINT PROCESS

3

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SUPPLEMENT OF RECORD 1 WITH SUMMARY
 2001 TOYO 4RUNNER 4X4 SR5 6-3.4L-FI 4D UTV DARK GREEN INT:

LINE 20 : NOTE-NOTHING IN RPS BUT SHOP FOUND PARTS @ SAW MILL-CONFIRMED WITH ANTHONY

LINE 32 : INCL'S SECTION OF REAR BODY& INNER STRUCTURE

LINE 46 : INCL'S BEYOND RR BODY SECTION I.E. FLOOR/RAIL ETC

LINE 55 : ONCE WORK STARTED SHOP FOUND THESE 3 ADDTL PARTS WERE BENT---SEE PHOTO'S

ALL PARTS ARE BENT---INV'S ATTACHED[VEHICLE IS STILL NOT A TOTAL LOSS]

LINE 72 : ADJ TO BRETT ALONG WITH CAR CVR-THEIR PAINT PROCESS

 ESTIMATE NOTES:

CODE 2

EXAM AAW7

LH TOYOTA MOTOR CREDIT CORP

COPY SHOP'S EST+D/R ATTACHED

NOTE-THIS VEHICLE IS NOT A T/L AT THIS TIME[SEE CCC REPORT]

 PRIOR DAMAGE NOTES:

SEE ATTACHED[FOR CCC REPORT]

PARTS		3864.86
BODY LABOR	59.0 HRS @\$ 44.00/HR	2596.00
PAINT LABOR	17.0 HRS @\$ 44.00/HR	748.00
PAINT SUPPLIES	17.0 HRS @\$ 24.00/HR	408.00
SUBLET/MISC.		25.00
OTHER CHARGES		83.20

 SUBTOTAL \$ 7725.06
 SALES TAX \$ 7725.06 @ 8.3750% 646.97

TOTAL COST OF REPAIRS	\$ 8372.03
ADJUSTMENTS:	
DEDUCTIBLE	500.00

TOTAL ADJUSTMENTS	\$ 500.00
NET COST OF REPAIRS	\$ 7872.03

4

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0YUL12G5

SUPPLEMENT OF RECORD 1 WITH SUMMARY
2001 TOYO 4RUNNER 4X4 SR5 6-3.4L-FI 4D UTV DARK GREEN INT:

THIS IS NOT AN AUTHORIZATION TO REPAIR

NO SUPPLEMENT WILL BE HONORED UNLESS AUTHORIZED BY GEICO

NOTICE : NEW HIGH STRENGTH STEELS MAY REQUIRE THE USE OF A MIG WELDER FOR PROPER REPAIRS. NEW DESIGNS REQUIRE MEASUREMENT TO PROPERLY ALIGN THE VEHICLE. MAKE SURE THAT YOUR SHOP HAS THE PROPER EQUIPMENT TO REPAIR YOUR VEHICLE.

ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSON FILES AN APPLICATION FOR COMMERCIAL INSURANCE OR A STATEMENT OF CLAIM FOR ANY COMMERCIAL OR PERSONAL INSURANCE BENEFITS CONTAINING ANY MATERIALLY FALSE INFORMATION, OR CONCEALS FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO, AND ANY PERSON WHO, IN CONNECTION WITH SUCH APPLICATION OR CLAIM, KNOWINGLY MAKES OR KNOWINGLY ASSISTS, ABETS, SOLICITS OR CONSPIRES WITH ANOTHER TO MAKE A FALSE REPORT OF THE THEFT, DESTRUCTION, DAMAGE OR CONVERSION OF ANY MOTOR VEHICLE TO A LAW ENFORCEMENT AGENCY, THE DEPARTMENT OF MOTOR VEHICLES OR AN INSURANCE COMPANY, COMMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME, AND SHALL ALSO BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED FIVE THOUSAND DOLLARS AND THE VALUE OF THE SUBJECT MOTOR VEHICLE OR STATED CLAIM FOR EACH VIOLATION.

THE PREPARATION OF THIS ESTIMATE MAY HAVE BEEN BASED ON THE USE OF CRASH PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. THERE ARE WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS. THESE WARRANTIES ARE PROVIDED BY THE MANUFACTURER AND/OR DISTRIBUTOR OF THE PARTS RATHER THAN BY THE ORIGINAL MANUFACTURER OF YOUR VEHICLE.

***OWNER LIMITED WARRANTY**

WE WARRANT THAT ALL QUALITY REPLACEMENT BODY PARTS (PARTS NOT MANUFACTURED BY THE VEHICLE MANUFACTURER) IDENTIFIED ON YOUR ESTIMATE , ARE FREE OF DEFECTS IN MATERIAL AND WORKMANSHIP AND MEET GENERALLY ACCEPTED INDUSTRY STANDARDS. THIS PARTS AND LABOR WARRANTY WILL BE IN EFFECT FOR AS LONG AS YOU OWN THE VEHICLE DESCRIBED IN THE ESTIMATE. THIS WARRANTY COVERS COST OF THE PART, LABOR TO INSTALL, AND INCIDENTALS SUCH AS PAINT & MATERIALS AND IS SPECIFICALLY LIMITED TO THOSE ITEMS. THIS WARRANTY DOES NOT COVER LOSS OR DAMAGE THAT IS UNRELATED TO DEFECTS IN THE QUALITY REPLACEMENT PARTS. THIS IS NOT TRANSFERABLE. IF ANY QUALITY REPLACEMENT PARTS ARE DEFECTIVE IN EITHER MATERIAL OR WORKMANSHIP , CONTACT YOUR GEICO REPRESENTATIVE.

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SUPPLEMENT OF RECORD 1 WITH SUMMARY
2001 TOYO 4RUNNER 4X4 SR5 6-3.4L-FI 4D UTV DARK GREEN INT:

ESTIMATE BASED ON MOTOR CRASH ESTIMATING GUIDE. UNLESS OTHERWISE NOTED ALL ITEMS ARE DERIVED FROM THE GUIDE ARM8414 DATABASE DATE 02/2007, CCC DATA DATE 02/2007, AND THE PARTS SELECTED ARE OEM-PARTS MANUFACTURED BY THE VEHICLES ORIGINAL EQUIPMENT MANUFACTURER. OEM PARTS ARE AVAILABLE AT OE/VEHICLE DEALERSHIPS. OPT OEM (OPTIONAL OEM) OR ALT OEM (ALTERNATIVE OEM) PARTS ARE OEM PARTS THAT MAY BE PROVIDED BY OR THROUGH ALTERNATE SOURCES OTHER THAN THE OEM VEHICLE DEALERSHIPS. OPT OEM OR ALT OEM PARTS MAY REFLECT SOME SPECIFIC, SPECIAL, OR UNIQUE PRICING OR DISCOUNT. OPT OEM OR ALT OEM PARTS MAY INCLUDE "BLEMISHED" PARTS PROVIDED BY OEM'S THROUGH OEM VEHICLE DEALERSHIPS. ASTERISK (*) OR DOUBLE ASTERISK (**) INDICATES THAT THE PARTS AND/OR LABOR INFORMATION PROVIDED BY MOTOR MAY HAVE BEEN MODIFIED OR MAY HAVE COME FROM AN ALTERNATE DATA SOURCE. TILDE SIGN (-) ITEMS INDICATE MOTOR NOT-INCLUDED LABOR OPERATIONS. NON-ORIGINAL EQUIPMENT MANUFACTURER AFTERMARKET PARTS ARE DESCRIBED AS AM, QUAL REPL PARTS OR COMP REPL PARTS WHICH STANDS FOR COMPETITIVE REPLACEMENT PARTS. USED PARTS ARE DESCRIBED AS LKQ, QUAL RECY PARTS, RCY, OR USED. RECONDITIONED PARTS ARE DESCRIBED AS RECOND. RECORED PARTS ARE DESCRIBED AS RECORE. NAGS PART NUMBERS AND BENCHMARK PRICES ARE PROVIDED BY NATIONAL AUTO GLASS SPECIFICATIONS. LABOR OPERATION TIMES LISTED ON THE LINE WITH THE NAGS INFORMATION ARE MOTOR SUGGESTED LABOR OPERATION TIMES. NAGS LABOR OPERATION TIMES ARE NOT INCLUDED. POUND SIGN (#) ITEMS

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INDICATE MANUAL ENTRIES. SOME 2006 VEHICLES CONTAIN MINOR CHANGES FROM THE PREVIOUS YEAR. FOR THOSE VEHICLES, PRIOR TO RECEIVING UPDATED DATA FROM THE VEHICLE MANUFACTURER, LABOR AND PARTS DATA FROM THE PREVIOUS YEAR MAY BE USED. THE PATHWAYS ESTIMATOR HAS A COMPLETE LIST OF APPLICABLE VEHICLES. PARTS NUMBERS AND PRICES SHOULD BE CONFIRMED WITH THE LOCAL DEALERSHIP.

CCC PATHWAYS - A PRODUCT OF CCC INFORMATION SERVICES INC.

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03/06/2007 AT 07:22 PM
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SUPPLEMENT OF RECORD 1 WITH SUMMARY
2001 TOYO 4RUNNER 4X4 SR5 6-3.4L-FI 4D UTV DARK GREEN INT:

NO.	OP.	DESCRIPTION	QTY	EXT.	PRICE	LABOR	PAINT
----- ADDED ITEMS -----							
N 55	S01	REPL LT AXLE SHAFT 3.4 LITER W/16"	1				
		WHEEL		370.25	M	1.7	
56	S01	REPL LT BEARING	1	60.88			
57	S01	REPL LT UPPER CNTRL ARM 4WD	1	100.23	M	0.8	
SUBTOTALS ==>				531.36		2.5	0.0

LINE 55 : ONCE WORK STARTED SHOP FOUND THESE 3 ADDTL PARTS WERE BENT---SEE PHOTO'S

ALL PARTS ARE BENT---INV'S ATTACHED(VEHICLE IS STILL NOT A TOTAL

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LOSS]

ESTIMATE NOTES:

CODE 2

EXAM AAW7

LH TOYOTA MOTOR CREDIT CORP

COPY SHOP'S EST+D/R ATTACHED

NOTE-THIS VEHICLE IS NOT A T/L AT THIS TIME(SEE CCC REPORT)

PRIOR DAMAGE NOTES:

SEE ATTACHED(FOR CCC REPORT)

PARTS			531.36
BODY LABOR	2.5 HRS	@ \$ 44.00/HR	110.00

SUBTOTAL			\$ 641.36
SALES TAX	\$ 641.36	@ 8.3750%	53.75
ADDITIONAL SUPPLEMENT TAXES			-0.04

TOTAL SUPPLEMENT AMOUNT			\$ 695.07
NET COST OF SUPPLEMENT			\$ 695.07

ESTIMATE	7676.96	RICHARD MILEWSKI
SUPPLEMENT S01	695.07	RICHARD MILEWSKI

WORKFILE TOTAL \$ 8372.03

TOTAL ADJUSTMENTS \$ 500.00
NET COST OF REPAIRS \$ 7872.03

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SUPPLEMENT OF RECORD 1 WITH SUMMARY
2001 TOYO 4RUNNER 4X4 SR5 6-3.4L-FI 4D UTV DARK GREEN INT:

THIS IS NOT AN AUTHORIZATION TO REPAIR

NO SUPPLEMENT WILL BE HONORED UNLESS AUTHORIZED BY GEICO

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NOTICE : NEW HIGH STRENGTH STEELS MAY REQUIRE THE USE OF A MIG WELDER FOR PROPER REPAIRS. NEW DESIGNS REQUIRE MEASUREMENT TO PROPERLY ALIGN THE VEHICLE. MAKE SURE THAT YOUR SHOP HAS THE PROPER EQUIPMENT TO REPAIR YOUR VEHICLE.

ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSON FILES AN APPLICATION FOR COMMERCIAL INSURANCE OR A STATEMENT OF CLAIM FOR ANY COMMERCIAL OR PERSONAL INSURANCE BENEFITS CONTAINING ANY MATERIALLY FALSE INFORMATION, OR CONCEALS FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO, AND ANY PERSON WHO, IN CONNECTION WITH SUCH APPLICATION OR CLAIM, KNOWINGLY MAKES OR KNOWINGLY ASSISTS, ABETS, SOLICITS OR CONSPIRES WITH ANOTHER TO MAKE A FALSE REPORT OF THE THEFT, DESTRUCTION, DAMAGE OR CONVERSION OF ANY MOTOR VEHICLE TO A LAW ENFORCEMENT AGENCY, THE DEPARTMENT OF MOTOR VEHICLES OR AN INSURANCE COMPANY, COMMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME, AND SHALL ALSO BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED FIVE THOUSAND DOLLARS AND THE VALUE OF THE SUBJECT MOTOR VEHICLE OR STATED CLAIM FOR EACH VIOLATION.

THE PREPARATION OF THIS ESTIMATE MAY HAVE BEEN BASED ON THE USE OF CRASH PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. THERE ARE WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS. THESE WARRANTIES ARE PROVIDED BY THE MANUFACTURER AND/OR DISTRIBUTOR OF THE PARTS RATHER THAN BY THE ORIGINAL MANUFACTURER OF YOUR VEHICLE.

***OWNER LIMITED WARRANTY**

WE WARRANT THAT ALL QUALITY REPLACEMENT BODY PARTS (PARTS NOT MANUFACTURED BY THE VEHICLE MANUFACTURER) IDENTIFIED ON YOUR ESTIMATE , ARE FREE OF DEFECTS IN MATERIAL AND WORKMANSHIP AND MEET GENERALLY ACCEPTED INDUSTRY STANDARDS. THIS PARTS AND LABOR WARRANTY WILL BE IN EFFECT FOR AS LONG AS YOU OWN THE VEHICLE DESCRIBED IN THE ESTIMATE. THIS WARRANTY COVERS COST OF THE PART, LABOR TO INSTALL, AND INCIDENTALS SUCH AS PAINT & MATERIALS AND IS SPECIFICALLY LIMITED TO THOSE ITEMS. THIS WARRANTY DOES NOT COVER LOSS OR DAMAGE THAT IS UNRELATED TO DEFECTS IN THE QUALITY REPLACEMENT PARTS. THIS IS NOT TRANSFERABLE. IF ANY QUALITY REPLACEMENT PARTS ARE DEFECTIVE IN EITHER MATERIAL OR WORKMANSHIP , CONTACT YOUR GEICO REPRESENTATIVE.

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03/06/2007 AT 07:22 PM
45165

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0YUL12G5

SUPPLEMENT OF RECORD 1 WITH SUMMARY

2001 TOYO 4RUNNER 4X4 SR5 6-3.4L-FI 4D UTV DARK GREEN INT.

ESTIMATE BASED ON MOTOR CRASH ESTIMATING GUIDE. UNLESS OTHERWISE NOTED ALL ITEMS ARE DERIVED FROM THE GUIDE ARM8414 DATABASE DATE 02/2007, CCC DATA DATE

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AUTHORIZATION TO TOW		D.C.A. #832943
METRO AUTO BODY, Inc. 96-14 Northern Blvd., New York 11368 (718) 335-2300		
Name (Print or Stamp Company or Police Officer's Name) License # <u>1A1AD</u>		Date <u>2/14/07</u>
Vehicle # <u>666 6 233</u>		Year <u>19</u>
Make <u>BMW</u>		Model <u>520i</u>
Color <u>Black</u>		Mileage <u>10644</u>
Tow Location <u>5500</u>		
Distance Towed <u>1.4</u>		
TO <u>96-14 Northern Blvd</u>		
Other Charges <u>None</u>		
FREE for towing and (see schedule) if towed for less than 10 miles or below 10,000 pounds. \$2.00 Each Mile or Part Thereof. (Tow Company's storage facility.) Storage fee to be paid for each day and each calendar month for the first 30 days. A towing company may charge an additional amount for the use of a crane or other equipment. A towing company may charge an additional amount for the use of a crane or other equipment. A towing company may charge an additional amount for the use of a crane or other equipment.		\$ <u>0.00</u>
REQUIRED TOLLS TO BE PAID BY TOWING COMPANY		\$ <u>0.00</u>
OTHER CHARGES		\$ <u>0.00</u>
METHOD OF PAYMENT <u>Cash</u>		SUBTOTAL \$ <u>0.00</u>
PAY THIS AMOUNT <u>Total Charges (including Tolls, if any)</u>		\$ <u>0.00</u>

I DIRECT THAT THE VEHICLE BE TOWED TO THE FOLLOWING LOCATION:

Unless you have directed otherwise above, your vehicle will be towed to:
 96-14 Northern Blvd., New York 11368

NOTICE TO THE CONSUMER

YOU ARE SIGNING AN AUTHORIZATION FOR TOWING AND, WHERE APPLICABLE, FOR THE STORAGE OF THIS VEHICLE. THIS IS NOT AN AUTHORIZATION TO REPAIR. YOU HAVE THE RIGHT TO HAVE THE VEHICLE REPAIRED AT THE FACILITY OF YOUR CHOICE. ALL THE RATES TO BE CHARGED MUST BE COMPLETED BEFORE YOU SIGN. THE ACTUAL CHARGES DUE MAY BE FILLED IN AT THE COMPLETION OF THE TOW. YOU HAVE THE RIGHT TO HAVE YOUR VEHICLE TOWED TO A LAWFUL LOCATION OF YOUR CHOICE WITHIN NEW YORK CITY. DO NOT SIGN AN AUTHORIZATION FORM WITH ANY BLANK SPACES FOR INFORMATION TO BE COMPLETED BEFORE THE VEHICLE IS TOWED. YOU ARE ENTITLED TO A COPY OF THE FORM UPON SIGNING IT.

I authorize the towing and, where applicable, the storage of the above vehicle to the location as specified above.

PLEASE SEE CONSUMER'S BILL OF RIGHTS ON THE BACK OF THIS AUTHORIZATION FORM.

10/08/2007 12:26 FAX GEICO Case 1:07-cv-06372-HB-MHD Document 20-10 Filed 04/08/2008 Page 20 of 26

Photo 11 from Estimate for Claim no 0293057720101027-01

Photo date: 21/02/2007 16:44:37:00. Size: 71217

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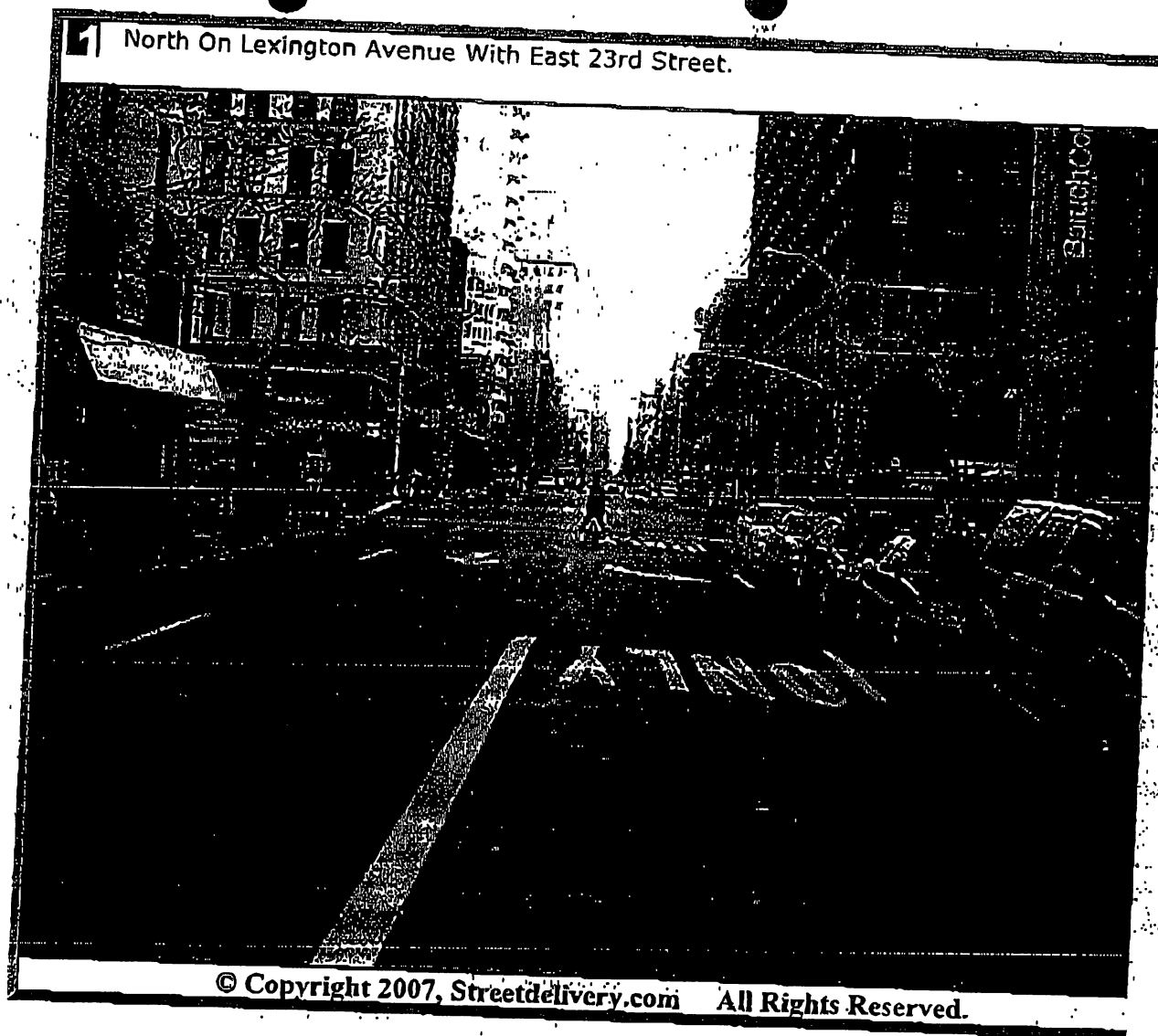
New Claim

Manhattan, NY
Intersection of East 23rd Street and
Lexington Avenue

Claim Number: 029305772

STREETDELIVERY

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STREETDELIVERY

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 South On Lexington Avenue With East 23rd Street.



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STREETDELIVERY

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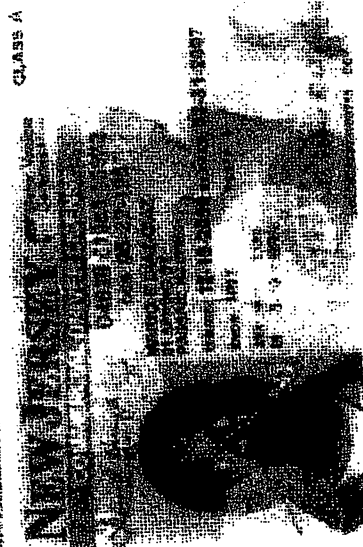


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D4028 51965 05572
DOB 5-22-1957
12.19-05 Issue Date

Mario E. Diaz-Diaz
work # (973) 778-3100



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